

The Internet Must Remain Free and Open (June 5, 2006)

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This week the U.S. House of Representatives will consider a major overhaul of our nation's communications laws. Since the last time Congress considered similar legislation a decade ago, the communications landscape has undergone a dramatic transformation, due in large part to the emergence of the Internet. The Internet has changed the way we do business, interact, and obtain information. In earlier eras, proximity to canals, then railroads, and then major interstate highways determined the potential for economic development. In the 21st Century, broadband will become the major artery of commerce, and access to affordable and reliable broadband service is critical for communities to be economically successful.

As we welcome these changes, a new regulatory framework is now needed to assure that the Internet continues to contribute to our economy and quality of life. Network neutrality rules must be put in place to prevent the creation of a two-lane Internet, where communications companies give some content providers preferential treatment while limiting the ability of Internet users to access the sites and services of their choice.

New business plans of last mile broadband providers threaten the seamless functionality which has characterized the Internet to date. Recently, executives at some telephone companies have indicated that their business model for providing broadband service includes not only charging their end user customers for an Internet connection, but also assessing a fee on websites for users to reach them more quickly.

Essentially, what these executives are proposing is the creation of a two-lane Internet where larger, more established websites with financial resources could squeeze out smaller, emerging websites. One clear victim will be the innovation which has thrived on the open Internet. Another victim will be Internet users, who might no longer be able to access the content and websites which they prefer, due to agreements that broadband providers enter into with certain content providers. For example, if you currently use a certain website to purchase books, because it offers the lowest price or best selection, you might have difficulty reaching it if your broadband provider does not have an agreement with the site of your choice.

Small and emerging businesses which use a website to advertise their goods and services would also be hurt by the lack of net neutrality protections. The free and open Internet, which we have grown accustomed to, allows emerging businesses to create websites that any consumers may reach. If small businesses were forced to pay an extra fee to ensure that consumers have reliable access to their website, the economic growth and innovation of these business would be stifled.

To address these concerns, I have recently co-authored both the Network Neutrality Act of 2006 and the Internet Freedom and Nondiscrimination Act, legislation which would set forth a clear prohibition on network operators' blocking, interfering with or impairing the ability of subscribers to access lawful content, applications and services offered over the Internet or attaching their choice of devices to the network. These net neutrality measures would also prevent network operators from favoring themselves or their affiliates in the allocation, use or quality of Internet access service. Under both bills, a broadband provider could prioritize a category of its own bits, such as video, if it also prioritized all video bits traveling over its pipe at no cost to other service providers, so consumers have a true choice between the broadband provider's video service and competing video services.

This simple straightforward approach would preserve consumer choice and the openness which is the hallmark of the Internet by preventing broadband providers from erecting tollbooths on the network. These guarantees would facilitate innovative new Internet-based products and services by both network operators and website operators without creating a multi-track Internet.

Ensuring unfettered access to the Internet for all Internet users will affirm and perpetuate the open and seamless functionality of the Internet, assuring accessibility to content and services of all kinds and facilitating new generations of innovative Internet-based products and services.

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